## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Eron James Tascoe, # 127885,	C/A No. 8:04-23004-CMC
Plaintiff,	
v. )	OPINION AND ORDER
Ray Nash, Sheriff of Dorchester County; ) John R. Barnes, Chief Jailor, DCDC; ) NFN Haynes; Lieutenant, DCDC; and ) E. Docisk, Officer, DCDC,	
Defendants. )	

This action was brought by a *pro se* Plaintiff seeking relief pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment. The court advised Plaintiff of the summary judgment procedures and the consequences if he failed to respond to the motion. Plaintiff did not file a response. In accordance with this court's order of reference and 28 U.S.C. § 636(b), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge Bruce H. Hendricks.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, \_\_F.3d\_\_, 2005 WL 1713188, at \*3 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the

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recommendation." (quoting Fed. R. Civ. P. 72 advisory committee's note).

Based on her review of the record, the Magistrate Judge has recommended that the action be dismissed for lack of prosecution because Plaintiff failed to respond to Defendants' motion for summary judgment.

After reviewing the complaint, the motion, the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Therefore, it is hereby ordered that this case is **DISMISSED** for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/ Cameron McGowan Currie CAMERON MCGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina September 22, 2005